

**MINUTES OF REGULAR BOARD MEETING
APRIL 11, 1991 CHICAGO, ILLINOIS**

All Board Members were present.

An Order was adopted in #AC 90-38 (Docket A & B), Harold Fults, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #90-62, Sure Tan, Inc., by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #90-231, Frank Whitlock, by a vote of 7-0. Messrs. R.C. Flemal and J. Theodore Meyer concurred. (JA)

An Opinion and Order was adopted in #90-239, Madison County Conservation Alliance, by a vote of 6-1. J. Theodore Meyer dissented. (BF)

In R90-11, RCRA Update (April 1, 1990 through June 30, 1990), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

In R90-25, Utility Industry Amendments to the Landfill Regulations, an Order determining that an Economic Impact Study need not be prepared, was adopted by a vote of 7-0. (JA)

An Order construing Respondent's April 2, 1991 letter as a timely filed motion for reconsideration of the Board's March 14, 1991 Opinion and Order and requesting that the Agency file its response to Respondent's letter no later than April 25, 1991, was adopted in #AC 89-156, John Gordon, by a vote of 7-0. (BF)

Joint motion to dismiss with prejudice in #AC 90-21, McHenry County Sanitary Landfill, was granted by a vote of 7-0. (JCM)

By a vote of 7-0, the Board, on its own motion, reconsidered and modified the date by which hearings must be completed and requested the Hearing Officer to consult with the Clerk of the Board on when hearings can be scheduled and to schedule and complete such hearings no later than July 12, 1991 in #86-56, Trilla Steel Drum Corporation. (BF)

By a vote of 7-0, the Respondent was advised that unless a new petition for an adjusted standard is filed by June 14, 1991, the Board will enter a final order in #86-161, Elizabeth Street Foundry. (JD)

By a vote of 7-0, Petitioner's motion to amend the internal deadlines in its variance was denied as unnecessary in #87-107, Lake County Public Works. Messrs. J. Dumelle and B. Forcade concurred. (JTM)

Agency motion to stay the Board's October 25, 1990 and January 24, 1991 Orders in #89-170, Centralia Environmental Services, was denied by a vote of 7-0. J. Dumelle concurred. (MN)

An Order requesting additional information concerning issues raised in a previous Grundy County Circuit Court proceeding was adopted in #90-170, Goose Lake Association, by a vote of 7-0. (JCM)

Complainant's motion for leave to file its answer and affirmative defenses was granted in #90-187, Herman W. Prescott, by a vote of 7-0. (JCM)

An Order advising the Petitioner that it needs to file a new petition for review to preserve its rights pursuant to Section 40.1 of the Act and all of Part 101 of the Board's procedural rules, was adopted in #90-216, Clean Quality Resources, by a vote of 7-0. (MN)

Agency motion to file its Recommendation Instanter in #90-228, City of Mt. Vernon, was granted by a vote of 7-0. J. Dumelle concurred. (BF)

Agency motion to file its Recommendation Instanter in #91-2, Olin Corporation, was granted by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JCM)

An Order granting Petitioner's motion to file its reply instanter and denying the Agency's request that the Board deny Petitioner's motion to maintain as confidential, certain trade secret portions of the transcript pending the resolution of a trade secret claim that it filed with the Agency was adopted in #91-4, Sexton Environmental Systems, by a vote of 6-0. J. Theodore Meyer abstained. (JA)

Agency motion to file its Recommendation Instanter in #91-34, City of DeKalb, was granted by a vote of 6-0. R.C. Flemal abstained. (JTM)

Motion for hearing filed by the Illinois Environmental Regulatory Group et al. was granted in R89-14(B), Groundwater Quality Standards, by a vote of 7-0. RCF)

A post-adoption comments Order was adopted in R90-17, RCRA Delisting, by a vote of 7-0. (JA)

J. Anderson presented a draft Order in #91-7, Land and Lakes. An alternative draft presented by B. Forcade and seconded by R.C. Flemal carried by a vote of 5-2 with J. Dumelle, R. Flemal, B. Forcade, J. Theodore Meyer and M. Nardulli for it and J. Anderson and J. Marlin against it. The alternative draft was then adopted by a vote of 5-2. J. Anderson and J. Marlin dissented. (BF)

An Opinion and Order was adopted in #90-95, ESG Watts, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #90-144, ESG Watts, by a vote of 7-0. (JTM)

These cases were discussed and held to April 25, 1991 for further discussion or possible decision: ##90-146, Village of Matteson; 90-173, Earl R. Bradd; 91-4, Sexton Environmental Systems; 91-5, Marjorie B. Campbell.

These regulatory matters were discussed and held to April 25, 1991 for further discussion or possible decision: R87-37, PWS Cross-Connection, Proposed Rule, First Notice, Opinion and Order; R90-9, Used and Waste Tire Regulations, Adopted Rule, Final Order, Opinion and Order; R91-7, RACT Deficiencies, Chicago Area, Emergency Rules; R91-8, RACT Deficiencies, Metro-East Area, Emergency Rules.

Amended petition #91-33, Village of Milan, was held for Agency Recommendation.

In new cases these actions were taken by a vote of 7-0: ##90-3, Calvary Temple Church v. EPA, held to April 25, 1991 for further consideration; 91-39, TransTechnology Corporation v. EPA, held to April 25, 1991 for further consideration; 91-42, Franklin D.R. Vickers and Ruth J. Vickers v. Village of Millstadt, held to April 25, 1991 for further consideration; 91-48, Wonder View Improvement Association v. Northern Illinois Utilities, Inc., held to April 25, 1991 for further consideration; 91-50, Karl Christ and Helen Christ v. Compost Enterprises, Inc., Respondent's motion to dismiss denied and Complainants granted additional time to file an amended complaint with the Board with service on Respondent no later than April 25, 1991, **Order by J.C. Marlin**; 91-51, Norma Jane Collins v. Robert's Food and Fish, accepted for hearing and Respondent's motion for substitution of parties granted, **Order by J.C. Marlin**; 91-57, Monsanto Company v. EPA, accepted for hearing, **Order by B. Forcade**; 91-58, City of St. Charles v. EPA, held for Agency Recommendation; 91-59, Village of Westmont v. EPA, held for Agency Recommendation; 91-60, People of the State of Illinois v. Thomas Steel Corporation and Blue Tee Corporation, hearing mandatory; 91-61, Big River Zinc Corporation v. EPA, held to April 25, 1991 for further consideration; 91-62, The Sherwin-Williams Company v. EPA, provisional variance denied, Messrs. J. Dumelle and B. Forcade concurred, **Order by J.C. Marlin**; 91-63, Office Park of Hinsdale, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**.

These Administrative Citations were received by the Board: #91-14, Gary and Deborah Attebery; 91-15, Lincoln/Logan Landfill, Inc.; 91-16, Olen G. Parkhill; 91-17, Ronald Feldman; 91-18, Clem Radcliff; 91-19, Tom Quirin.

This new Adjusted Standard was held to April 25, 1991 for further consideration: #91-3, Petition of Peoria Disposal Company.

By a vote of 7-0, Petitioner's motion for rehearing and other relief was denied and the proceedings were dismissed in #AS 89-2, Elizabeth Street Foundry. (JD)

Minutes of the March 28, 1991 Board Meeting were approved by a vote of 7-0.

In R91-10, Exemptions from the Definition of VOM, a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

New case #91-64, Charles and Senoria Brown et al. v. EPA, was accepted for hearing, Order by B. Forcade.

All other matters not disposed of as listed were ordered held to April 25, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 25th day of April, 1991, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
APRIL 11, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

DECISIONS:

R91-10 Exemptions from the Definition of VOM, Proposal for
Public Comment, Proposed Opinion and Order (JA)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
APRIL 11, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- AC 90-38 Harold Fults (JD) _____
(A & B)
- 90-62 Sure Tan, Inc. (JCM) _____
- * 90-95 ESG Watts (JD)(due) _____
- * 90-144 ESG Watts (JTM)(due) _____
- * 90-231 Frank Whitlock (JA)(due) _____
- * 90-239 Madison County Conservation Alliance (BF)(due)

- R88-14 Pharmaceuticals, Adopted Rule, Final Order, Opinion and
order (JD) _____
- R89-7 Repeal of NESHAPS, Proposed Rule, Second Notice, Opinion
(B) and Order (JD) _____
- R90-11 RCRA Update (April 1, 1990 through June 30, 1990),
Adopted Rule, Final Order, Opinion and Order (JA)

- R90-25 Utility Industry Amendments to the Landfill Regulations,
EcIS Determination Order (JA)

AC MOTIONS:

- 89-156 John Gordon - Respondent's motion for reconsideration
(B) of March 14, 1991 Board Order (See Respondent's
letter to Board dated 4/2)(BF)

AC MOTIONS: (Cont'd)

90-21 McHenry County Sanitary Landfill - joint motion to dismiss with prejudice (4/3)(JCM)

MOTIONS:

86-56 Trilla Steel Drum - Board Order (BF)

86-161 Elizabeth Street Foundry - Complainant's motion for ruling on motion for entry of Final Order (3/11)(JD)

87-107 Lake County Public Works - Petitioner's motion to amend internal deadlines on variance (3/20), Agency response to Petitioner's motion to amend internal deadlines on variance (4/1)(JTM)

89-72 Olin Corporation - Petitioner's motion for modification of February 7, 1991 Final Order (3/14), Agency response to Petitioner's motion for modification of Final Board Order (3/29)(BF)

89-87) Moline Corporation - Agency motion for stipulated
89-44) penalties (4/3)(BF)

89-170 Centralia Environmental Services - Agency motion to stay October 25, 1990 and January 24, 1991 Board Orders (4/3)

89-177 CWM Chemical Services - Trade Secret determination (See Book E of Agency Record filed 3/21 and Agency Correction to administrative Record filed 3/22), Agency motion to set hearing date (BF)

90-114 National Steel - Agency motion for Summary Judgment (4/1)

90-170 Goose Lake Association - Complainant's motion to add additional respondent (3/26), Respondent's objection to Complainant's motion to add additional defendant (3/28), Complainant's reply to Respondent's objection (4/8)(JCM)

90-187 Herman W. Prescott - Complainant's motion for leave to file answer and affirmative defenses (3/14)(JCM)

MOTIONS: (Cont'd)

- 90-216 Clean Quality Resources - Board Order regarding Resolution as adopted by the Marion County Board on March 26, 1991 (4/3)(MN)
-
- 90-228 City of Mt. Vernon - Agency motion to file Recommendation Instanter (4/1)(JD)
-
- 91-2 Olin Corporation - Agency motion for leave to file variance Recommendation Instanter (4/5)(JCM)
-
- 91-4 Sexton Environmental Systems - Agency response in opposition to Petitioner's motion to maintain certain transcript information confidential (4/3)(JA)
-
- 91-7 Land and Lakes - Petitioner's motion for Certification of Interlocutory Appeal (3/25)(JA)
-
- 91-34 City of DeKalb - Agency motion to file Recommendation Instanter (4/1)(JTM)
-
- R88-8 Census of Section 21(d) Facilities - motion to dismiss by Illinois Environmental Regulatory Group (3/29), Agency response to Illinois Environmental Regulatory Group's motion to dismiss (4/9)(JA)
-
- R89-14 (B) Groundwater Quality Standards - motion for hearing by Illinois Environmental Regulatory Group et al. (3/29), Business and Professional People for the Public Interests' response to motion for hearing (4/5)(RF)
-
- R90-17 RCRA Delisting, Post Adoption Comments Order (JA)
-

DISCUSSIONS:

- 90-146 Village of Matteson (BF)
-
- * 90-173 Earl R. Bradd (JA)(due 4/25)
-
- * 91-4 Sexton Environmental Systems (JA)(due 4/25)
-
- * 91-5 Marjorie B. Campbell (JD)(due 4/25)
-

REGULATORY DISCUSSIONS:

- R87-37 PWS Cross-Connection, Proposed Rule, First Notice,
Opinion and Order (JD) _____
- R90-9 Used & Waste Tire Regulations, Adopted Rule, Final
Order, Opinion and Order (JCM) _____
- R91-7 RACT Deficiencies, Chicago-Area, Emergency Rules (JTM)

- R91-8 RACT Deficiencies, Metro-East Area, Emergency Rules
(JTM) _____
-

AMENDED PETITIONS:

- 91-33 Village of Milan (filed 4/1) _____
-

NEW CASES:

- 90-3 Calvary Temple Church v. EPA (See also Petitioner's
request for expedited decision filed 3/11; Petitioner's
response to March 14, 1991 Board Order filed 3/26),
Agency motion for extension of time (3/28)(RCF)

- 91-39 TransTechnology Corporation v. EPA (See also Agency
comments in response to March 8, 1991 Board Order and
Agency motion to dismiss filed 3/22 and Petitioner's
response filed 3/22)

- 91-42 Franklin D.R. Vickers and Ruth J. Vickers v. Village of
Millstadt _____
- 91-48 Wonder View Improvement Association v. Northern Illinois
Utilities, Inc. _____
- 91-50 Karl Christ and Helen Christ v. Compost Enterprises,
Inc. (See also Respondent's Motion to Dismiss filed
3/14) _____
- 91-51 Norma Jane Collins v. Robert's Food and Fish (See also
Respondent's Motion for Substitution of Parties filed
3/25) _____
- 91-57 Monsanto Company v. EPA (BF)

NEW CASES: (Cont'd)

- 91-58 City of St. Charles v. EPA

- 91-59 Village of Westmont v. EPA

- 91-60 Poeples of the State of Illinois v. Thomas steel
Corporation and Blue Tee Corporation

- 91-61 Big River Zinc Corporation v. EPA (See also Petitioner's
Motion for Stay filed 4/8)

- 91-62 The Sherwin-Williams Company v. EPA (Provisional
Variance)(JCM)

- 91-63 Office Park of Hinsdale, Inc. v. EPA (BF)

NEW AC CASES:

- 91-14 Gary and Deborah Attebery

- 91-15 Lincoln/Logan Landfill, Inc.

- 91-16 Olen G. Parkhill

- 91-17 Ronald Feldman

- 91-18 Clem Radcliff

- 91-19 Tom Quirin

NEW ADJUSTED STANDARDS:

- 91-3 Petition of Peoria Disposal Company for Adjusted
Standard from 35 Ill. Adm. Code 721 Subpart D (See also
Petitioner's Trade Secret Claim Letter for Appendix G of
Petition)

ADJUSTED STANDARDS MOTIONS:

89-2 Elizabeth Street Foundry - Petitioner's motion for rehearing and other relief (2/27), Agency response to Petitioner's motion for rehearing and other relief (4/1) (JD) _____

91-2 Ford Motor Company - Agency response to Petition (4/5) (MN) _____

MINUTES:

March 28, 1991 _____

PENDING CASES ASSIGNED:

* 85-140 Citizens Utilities (Remand)(MN)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 86-1 City of Peru CSO (JTM)
 86-2 City of LaSalle CSO (JTM)
 86-3 City of Oglesby CSO (JA)
 86-4 City of Morris CSO (JD)
 86-56 Trilla Steel Drum (Remand)(BF)
 86-57) Village of Sauget (Remand)(RCF)
 86-58)
 86-62) Monsanto Company (Remand)(RCF)
 86-63)
 86-161 Elizabeth Street Foundry (JD)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 AS 88-2 Stepan Company (JCM)
 * 88-25 Modine Manufacturing (JA)(open waiver)
 * 88-78 Abbott Laboratories (JD)(open waiver)
 88-98 IBP, Inc. (Remand)(BF)
 * 88-193 General Motors Corporation (JD)(open waiver)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 89-44) Moline Corporation (BF)
 89-87)
 89-94 Reichhold Chemicals (Remand)(BF)
 89-157 Clybourn Metal Finishing Company (JD)
 89-158 Gilbertson Clybourn (BF)
 89-169 John & Jean Zarlenga (JA)
 89-177 CWM Chemical Services (RCF)(open waiver)
 AC 89-215 Omer Thomas (BF)
 AS 90-8 Olin Corporation (JA)
 90-18 Robert Propheeter (MN)
 AC 90-36 ESG Watts, Inc. (JTM)
 AC 90-38 Harold Fults (JD)
 AC 90-56 Steve Gilbert (JD)
 90-59 Michael L. Christianson (MN)
 AC 90-59(B) Southern Pacific Railroad (RCF)
 90-61 Duraco, Inc. (JCM)
 AC 90-79 Al Springman (JA)
 AC 90-81 George Ribble (JA)
 90-102 State Oil Company (JTM)
 90-108 Joseph & Pamela Stratton (JD)
 90-111 Seegers Grain Company (JA)
 90-112 Chicago Heights Refuse Depot (RCF)
 * 90-122 City of Lockport (JCM)(due 6/20)
 90-135 The Grigoleit Company (BF)
 90-152 Panhandle Eastern Pipeline Company (BF)
 90-217 Raging Rivers Park (MN)
 90-218 A.B. Dick Company (RCF)
 * 90-228 City of Mt. Vernon (JD)(due 5/23)
 90-230 F.S. Madison Service Company (JCM)
 AS 91-1 Keystone Steel & Wire (JA)
 AS 91-2 Ford Motor Company (MN)
 * 91-2 Olin Corporation (JCM)(due 5/9)
 * 91-7 Land and Lakes (JA)(due 12/19)

PENDING CASES ASSIGNED: (Cont'd)

* 91-9 Sparkling Spring Mineral Water (MN)(due 5/9)
91-19 Sun Ag, Inc. (JA)
91-20 Amoco Petroleum Additives (JCM)
* 91-21 Village of Gardner (JCM)(due 5/23)
* 91-22 City of Minonk (RCF)(due 5/23)
* 91-32 Village of Carbon Hill (MN)(due 7/11)
* 91-34 City of DeKalb (JTM)(due 6/20)
91-40 Richheimer Food Company (JCM)
9 91-41 City of West Chicago (MN)(due 6/20)